

March 11, 2022

Seaport Planning Advisory Committee
San Francisco Bay Conservation & Development Commission
San Francisco, CA 94105
Submitted via email to publiccomment@bcdc.ca.gov

**Re: Seaport Planning Advisory Committee meeting, 16 March 2022, Item 4:
Bay Plan Amendment 2-19 (Howard Terminal)**

Members of the BCDC Seaport Planning Advisory Committee:

On behalf of the members of the Pacific Merchant Shipping Association (PMSA), which includes tenants and customers of the Port of Oakland, we respectfully request that you reject proposed Amendment 2-19 to the Bay Plan and recommend to the full Commission that the maritime acreage at Howard Terminal retain its Port Priority Use designation.

As the SPAC is well aware, the question before the Committee is not about whether you agree or disagree with the Oakland A's desire to build a stadium on the Oakland waterfront. Rather, "BPA 2-19 is limited to considering whether the Port Priority Use Area designation should be removed from Howard Terminal on the basis of whether Howard Terminal is needed for port use." (Staff Report, at page 5)

SPAC Must Protect Port Priority Use Areas In Order to Further BCDC Policy and Goals

This critical question of whether to remove a Port Priority Use from a property is not open-ended, rather it is framed exclusively for the SPAC to recommend under the existing policies of BCDC as expressed in the current Seaport Plan. As Port Priority Use Areas are specifically designated to achieve these policies, Seaport Plan General Policy 4 protects these areas from being removed from the plan.

In short, the Seaport Plan policies create a presumption against deletion or removal of property from the Plan except in limited circumstances. As described by Seaport Plan General Policy 4:

Deletions of the port priority use and marine terminal designations from this plan should not occur unless the person or organization requesting the deletion can demonstrate to the satisfaction of the Seaport Planning Advisory Committee that the deletion does not detract from the regional capability to meet the projected growth in cargo. Requests for deletions of port priority or marine terminal designations should include a justification for the proposed deletion, and should demonstrate that the cargo forecast can be met with existing terminals.

As noted in the Staff Report (at page 6), the Seaport Plan identifies multiple specific policy goals that are met by designating property as Port Priority Use. Amongst others these include:

- *Ensure continuation of the San Francisco Bay port system as a major world port and contributor to the economic vitality of the San Francisco Bay region;*
- *Maintain or improve the environmental quality of San Francisco Bay and its environs;*
- *Provide for efficient use of finite physical and fiscal resources consumed in developing and operating marine terminals through 2020;*
- *Provide for integrated and improved surface transportation facilities between San Francisco Bay ports and terminals and other regional transportation systems; and*
- *Reserve sufficient shoreline areas to accommodate future growth in maritime cargo, thereby minimizing the need for new Bay fill for port development.*

These policies form the basis for the “justification” that must be made by a party seeking to remove an existing property from a Port Priority Use designation. If the justifications for removal do not meet these policy goals, including but not limited to the need to minimize pressure on future Bay fill for port development, then a property must remain under a Port Priority Use designation.

The Oakland A’s Have Failed to Carry Their Burden to Justify the Removal of Priority Port Use Designation for Howard Terminal

The SPAC has voted to utilize the independent, BCDC-commissioned, and peer-reviewed cargo forecast by the Tioga Group as the basis for determining the future needs for preservation of seaport lands in the Bay. This SPAC-approved study clearly shows that under nearly every future scenario, with the notable exception of extremely low growth, Howard Terminal was needed to meet our future cargo capacity. The Tioga report also found that Howard Terminal was the only available space which could readily accommodate all three types of potential future cargo needs.

When the SPAC voted to utilize the independent Tioga Group report as the basis for conducting its analysis the SPAC also rejected a separate directed-outcome report prepared by the Oakland A's to justify property removal. The consultants hired by the Oakland A's argued that Howard Terminal was unnecessary because the Port of Oakland could handle even more cargo with less acreage asserting that the Port could fully automate the entirety of its operations. The SPAC did not believe the Oakland A's assertion that the Port would move nearly 50% more cargo per acre than even the most advanced, fully automated marine terminal in operation now in the United States.

Moreover, as the final vote rejecting the Oakland A's report took place after the beginning of the pandemic, the SPAC was further justified in rejecting the Oakland A's report because it was at that meeting that the A's consultant did an about-face on its own report and rejected all of its own arguments based on a theory of higher growth. Instead, the A's consultant argued post-pandemic onset that Howard Terminal was unnecessary because the Port of Oakland was so impaired by the initial impacts of the COVID crisis that it should not expect to rebound to pre-crisis levels of trade and demand. The SPAC rightfully dismissed this argument as well, and the overwhelming and unprecedented growth globally in trade volumes over the past 18 months have truly exposed the Oakland A's attempts to convince the SPAC to make long-term planning decisions on the short-term shocks of the initial market plunge from the pandemic as specious.

We agree with the SPAC's reliance on the Tioga study for making its findings here, and the rejection of the alternating and contradictory pre-pandemic feast and post-pandemic famine arguments by the Oakland A's and their consultant. Because the Oakland A's report and arguments have already been rejected by the SPAC, and the Oakland A's have forwarded no additional arguments or justifications for the removal of Howard Terminal's Port Priority Use designation, the SPAC must recommend that Amendment 2-19 be rejected.

The Port of Oakland Cannot Carry the Burden Imposed on the Oakland A's by the Seaport Plan Seaport Plan General Policy 4 is explicit in its direction to the SPAC, that it is only upon a showing by "the person or organization requesting the deletion" that the SPAC can recommend the removal of a Port Priority Use designation.

The Staff Report (at page 10) notes that BCDC staff has spent the better part of the last 5 months asking the Applicant, the Oakland A's, for any additional justifications to explain why the Port Priority Use designation should be removed from Howard Terminal, but that such explanations and additional communications have not been forthcoming and minimal. Seemingly out of frustration, the Staff Report goes on to detail that in a meeting with BCDC staff that "Port staff agreed that it would provide additional information and analysis on behalf of the Oakland Athletics to support the application for BPA 2-19."

While any and all information of relevance can and should be provided to the SPAC to help inform its decision-making, and we appreciate the diligence of the BCDC staff in its endeavors

to provide the most information to the SPAC possible in the face of what is certainly a frustrating lack of communication by the Applicant on its request, this fact remains: the Port is not the organization requesting the deletion.

The concluding paragraph of the Port's March 3rd letter (at page 5) confirms that the Port is neither "requesting the deletion" on behalf of the project or the project Applicant because:

"... the Port has not committed itself to any definite course of action regarding Howard Terminal and continues to carefully and diligently evaluate the project proposed by the Oakland A's along with the potentially significant impacts that such a project may entail. The Port Board will continue to review and evaluate the Howard Terminal project, as well as all projects in the future to determine suitability and uses that are in the best interests of the Port."

Under Seaport Plan General Policy 4, it is the project Applicant who carries the burden to demonstrate the justifications for removal of a property from Port Priority Use, not a potential business partner.

As the Oakland A's have clearly failed to carry their burden as the Applicant, BCDC Staff has gone above and beyond what is necessary to give the Applicant more opportunities to provide the information necessary for the SPAC to make its recommendation to the Commission. When that was not forthcoming, BCDC Staff then went further to ask for the Port of Oakland to provide helpful information for the SPAC and Commission decision making process in support of the A's as project Applicant. However, in response, and by its own admission, the Port cannot act as a project advocate at this time, as it has not yet even made a decision about whether or not to move forward with this potential project by the Oakland A's.

BCDC Is Not Obligated to Defer to Local Agency Land Use Planning Prerogatives

The Port's letter of October 7, 2021 (at page 4) requests deference from BCDC to its "land use authority" in an unqualified and direct in communication to BCDC staff: *"Based upon the Port's clear land use authority, expertise in Maritime operations and in comprehensive systems-based planning for maritime business, land use, and operations, it would not be appropriate or reasonable for BCDC to refuse to defer to the Port of Oakland as the authority in making land use determinations as to the most appropriate uses at Howard Terminal..."*

BCDC is the sole body entrusted with the authority to adopt the Bay Plan and to designate which properties under the Bay Plan are Port Priority Use and which are not. Presumably, all would agree that the Port of Oakland as trustee of state tidelands also has authority within that context to make its own determinations as to the most appropriate uses of its property, but only so long as consistent with and under the land use designations of the Bay Plan.

However, to the extent that the Port, or any other local government for that matter, is presenting an argument that BCDC must defer to a local government's "authority in making land use decisions" when creating the Bay Plan and its elements, that is a proposition which is anathema to very purposes of BCDC. BCDC was created specifically in order to control, via plan and permit, conservation and development in the Bay. To the extent here that the Port of Oakland asserts that BCDC must defer to any local government's development planning prerogatives in its Bay Plan, it has completely, utterly, and exhaustively missed the entire point of BCDC's *raison d'être*, and its argument should be summarily ignored.

We agree with the Port that evidence of its "Maritime Expertise" may be relevant to the planning process of the SPAC, but only so long as it is reflective of the actual, unbiased assessment of the Port's Maritime Division prior to the Board of Port Commissioner's May 2019 approval of the agreement between the Port and the Oakland A's.¹

The Port of Oakland's Requests for "Flexibility" in Land Uses at Howard Terminal Are Most Consistent with A Preservation of the Port Priority Use Designation

The Port of Oakland's October 7, 2021 letter to BCDC staff emphasized the Port's priorities for land use flexibility. It cited (at page 3) both the presentations by the Port's Executive Director to the SPAC on May 11, 2020 and October 29, 2020, respectively, for "the need for flexibility from regulatory agencies as the Port attempts to adjust to the challenging economics facing its operations and the uncertainties of the future," and "the need for flexibility with respect to allowable uses on all of the lands held by the Port and designated as port priority use in light of the rapidly changing global economy in which the Port must operate, and the challenges in predicting future trends and growth in volumes as far as 30 years into the future."

PMSA agrees. The preservation of flexibility and the need to allow multiple types of uses on all lands held by the Port which are currently designated as Port Priority Use is critical to the long-term success of the Port and to its ability to react to global trends as they develop over the next several decades.

¹ PMSA notes that both the March 3, 2022 and October 7, 2021 letters from the Port of Oakland were written after the Board of Port Commissioners of the Port of Oakland entered into an Exclusive Non-Binding Term Sheet agreement with the Oakland A's in May 2019. Subsequent to entering into this agreement, the Port of Oakland staff is no longer at liberty to share any opinions which would undermine the policy direction of their Board or offer independent expressions of their "maritime expertise" limiting their use and any objective value they may have otherwise held for the SPAC or the Commission. Furthermore, neither the March 3, 2022 nor October 7, 2021 letters provide evidence of such Maritime Expertise in relation to Howard Terminal, as they are not responsive to the questions of BCDC staff, reflect a series of legal challenges to the authority of BCDC, offer conclusory and unsupported claims regarding the Tioga report without provision of further evidence, or are argumentative in nature.

The best way to preserve this flexibility is to preserve as much property under the Port Priority Use designation as possible and to not allow the types of property necessary to provide this type of flexibility to be developed for non-maritime uses or taken out of the maritime portfolio. The removal of acreage as proposed by the Oakland A's will only serve to limit Port flexibility and future options, not increase it; likewise, flexibility for the Port of Oakland would neither be enhanced nor well-served by the construction of a stadium under a 66-year lease and a housing complex of 3,000 units on disposed Port property on fee simple lots, as proposed by the A's.

The Facts and the Projections from the Tioga Study Support Continued Port Priority Use Designation for Howard Terminal When the Bay Plan Policy Goals are Evaluated

For each of the stated Bay Plan Policy Goals, the SPAC and BCDC should conclude that the continued Port Priority Use at Howard Terminal is more consistent with Bay Plan policies than the removal of the property.

- *Ensure continuation of the San Francisco Bay port system as a major world port and contributor to the economic vitality of the San Francisco Bay region;*

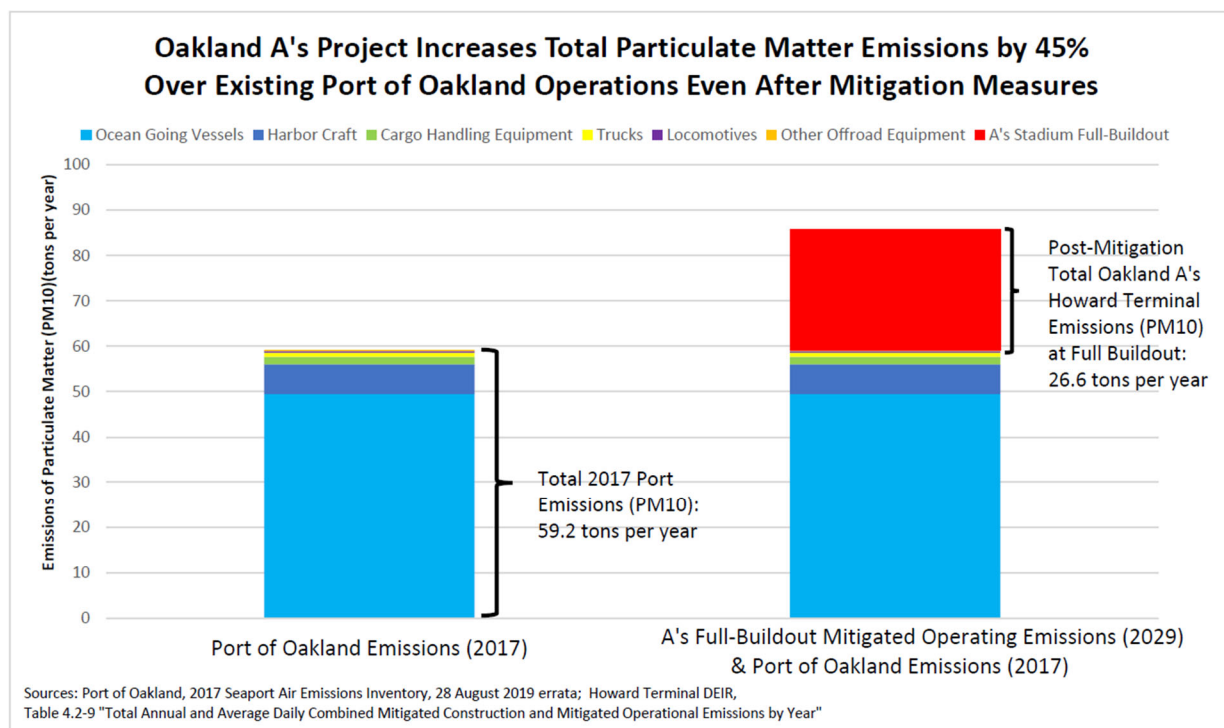
As noted by numerous commentators including PMSA, and Port of Oakland Executive Director Wan, if the Port of Oakland is not constantly reinvesting in infrastructure and the capacity to grow its cargo volumes, and maintaining flexibility in its approach to cargo mix and supply and demand, it will lose business. While the Bay Plan must necessarily focus on all San Francisco Bay Ports, the lynchpin to the continuation of the success of the system of ports in the Bay Area is the success of the largest of them all, the Port of Oakland. This policy factor asks BCDC to not just look at the economic vitality of the City in which a Port resides, which may see some residual, local economic benefits from a redevelopment of seaport operations away from a Port Priority Use, but to instead consider the economic vitality of the entire Bay Area region.

To that end, BCDC will also receive today a copy of a letter from a range of Northern California agriculture exporters who are specifically relying on the establishment of a critical new container and equipment service at Howard Terminal. Without the added flexibility of Howard Terminal to serve specific needs of our California exporters, BCDC cannot ensure that these cargo owners will continue to make Oakland a major world port and successful contributor to our regional economic vitality.

We are now in a period where the supply chain is heavily congested, and every other port in the country is looking to grow, adapt, and maximize land available for key maritime and support functions. BCDC should be looking at ways to increase port land to support maritime operations—not remove it. The Port of Oakland serves as the home for tens of thousands of good, skilled, living-wage jobs, and is the hub of our regional economy. If Howard Terminal is removed from port priority use it could harm the competitiveness of the port and result in the loss of millions in revenue and thousands of good paying jobs.

- *Maintain or improve the environmental quality of San Francisco Bay and its environs;*
 To the extent that the BCDC and SPAC consider the application of this criteria to the proposed project for which the Oakland A's submitted Amendment 2-19, it is clear that the project will not maintain or improve environmental quality. The project EIR is facially and per se descriptive on this point – the City of Oakland's certification of the EIR includes multiple statements of overriding considerations regarding environmental quality issues, including the project's non-mitigated exceedances of air quality thresholds impacting the West Oakland community.

For example:



Moreover, as the project refused to analyze the truck displacement issue – labeling the issue too “speculative” to subject to CEQA analysis – neither the Oakland A's nor the City of Oakland can claim to know what additional emissions from the additional VMTs or congestion from port-trucks will result from the project.

- *Provide for efficient use of finite physical and fiscal resources consumed in developing and operating marine terminals through 2020;*

While the current Seaport Plan policy is designated as through 2020, because Amendment 2-19 is being rushed by application of AB 1191 deadlines, this policy objective is obviously applicable beyond 2020. To analyze whether the Howard

Terminal remains necessary for the provision of an efficient use of finite resources in the operations of marine terminals, one need look no further than the present high demand for utilization of Howard Terminal. The current surge in global cargo demand that our supply chains have been straining under since the onset of the pandemic. The Port of Oakland is not suffering from low growth—in 2021 it set an all-time high record for cargo imports, as did nearly every other major container port in North America. By all indications, the Port is in the strong growth scenario, and Howard Terminal is more essential than ever.

In addition, Howard Terminal was also recently identified as the site of a partnership between the Port of Oakland and the U.S. Department of Agriculture (USDA) to ease congested ports and supply chain issues through a 25-acre pop-up site dedicated to filling empty shipping containers with commodities like soybeans, dairy, nuts, fruit, and more. This initiative further demonstrates Howard Terminal's crucial role in ensuring the Port of Oakland's long-term success and viability, and its capacity to continue operating as a key gear in the movement of agricultural goods throughout Northern California.

• *Provide for integrated and improved surface transportation facilities between San Francisco Bay ports and terminals and other regional transportation systems;*
Howard Terminal actively serves as an integrated surface transportation facility between the Port of Oakland's terminals and other regional transportation systems. Its ancillary and Port-serving activities most importantly include its role as critical staging area for nearly 400,000 truck and container moves per year, in addition to offering additional container and intermodal equipment storage, and the latest use as a USDA-sponsored pop-up yard specifically serving California's agricultural exporters.

The Bay Plan's recognition of the need for some waterfront properties to act as staging properties and the like in order to create an integration with other regional transportation systems is an important policy goal. This is especially true given the State of California's and Port of Oakland's own research shows that we are suffering from a truck parking shortage statewide, and specifically in the urbanized Bay Area, that there is no equivalent acreage available to offset the usage of Howard Terminal at this time. Indeed, when pressed in the project EIR to identify any suitable replacement acreage for these uses in or around the Port, the City of Oakland and the Oakland A's failed not only to identify alternative acreage, but they actually refused to analyze these environmental impacts altogether, labeling the exercise as "speculation." PMSA and trucking stakeholders have specifically asked for replacement parking to be a part of the series of Seaport Compatibility Measures agreed to by the Oakland A's and the Port of Oakland as a precondition of project approval, but this has not yet occurred.

In addition, while it is not an active berth for ship-to-shore transfers, Howard Terminal is also acting as a stand-out lay-berth for vessels in part because of its unique status as a

lay-berth which is equipped to plug-in vessels to shorepower. The necessity for this type of unique maritime infrastructure was also reinforced during the pandemic when we saw multiple vessels, including cruise ships, berth at Howard Terminal for unexpected and unplanned durations.

- *Reserve sufficient shoreline areas to accommodate future growth in maritime cargo, thereby minimizing the need for new Bay fill for port development.*

This is of course, the primary analysis of the Tioga report already endorsed by the SPAC, which concludes that in nearly every growth scenario except for slow growth that more overall Bay acreage for cargo and port operations will be necessary to accommodate future growth. And, further specific to Howard Terminal, Howard remains the only terminal which is presently available to be utilized for all three categories of maritime cargo: containerized, ro-ro, and bulk.

We believe that it would be arbitrary and capricious of BCDC to adopt a growth scenario not consistent with the Tioga report, and that it is imperative that the Plan adopt the Tioga projections which support as conservative and flexible an approach as possible in order to preserve the most acreage possible. The most conservative evaluation based on the Tioga report would be to adopt a slow rate of improvement in efficiency and productivity while also maintaining a strong volume growth rate. The next most logical position, and the position taken by BCDC staff, would be to take the middle path of both productivity and growth.

However, even if one were to consider the slow growth rate, we would assert, per the section below, that the assumption that new technology integration will move productivity significantly beyond contemporary terminal operations is too aggressive of an assumption, at least in the short term.

All Scenarios, Including the Slow Growth Scenario, Reduce Projected Container Terminal Acreage Needs By Assuming High Rates of Technology Lead to Higher Productivity

PMSA also believes that the SPAC should view all scenarios, even the Slow Growth projection scenario conservatively - and therefore in favor of retaining more lands as Seaport Priority Use - in the context of the application of a rate of productivity in the Tioga report which may be more aggressive than likely, at least in the short-term.

The acreage projections in the Tioga report are based on a factor for terminal productivity. This is necessary in order to account for the potential implementation of new terminal technology, higher density terminal layouts, and accelerated introductions of high-density and automated cargo-handling equipment.

At a projected productivity increase of 66% (see Staff Report, pg. 28) across the board for containerized activity during the projected period, this factor acts as a depressor on the rate of

acreage growth necessary. Put another way, without the application of a productivity factor all of the future terminals would be presumed to be operating under conventional technology, and all of the needed acreage projections under each of the scenarios would soar to much larger numbers to account for the removal of a factor that depressed their total amounts by 66%.

We believe that the Tioga Report does a good job of describing and defending the productivity factors chosen. And, as it did by picking the moderate growth factors, we also believe that it was also prudent for BCDC Staff to base its recommendations from the Tioga study based on the middle pathway for the productivity factors here.

However, we would also point out that the introduction of new technology on the waterfront is a tricky proposition, and that historically US container ports have achieved slower introduction of efficiency-producing technology than compared to other ports in Asia and Europe. Those other ports are characterized by large binary, step-function improvements in efficiency driven by large capital investments. By contrast, US container ports have proven that they can provide resiliency and more continual, incremental improvements in efficiency over time through a combination of a more limited introduction of capital-intensive technologies and complementary improvements in workforce productivity.

In short, where big efficiency gains elsewhere are driven through large one-time capital infusions in technology, efficiency gains in the US are more characterized by a combination of broader investments in both technology and workforce factors within more conventional terminal environments and stable labor forces.

While there are some notable exceptions to this, including the Middle Harbor Terminal at the Port of Long Beach which was a terminal with a large step-function technological profile gain in efficiency, there are more examples of alternative technologies implemented over the same decade that it took to plan and entitle and build the \$2 billion Middle Harbor project. For example, over this same time period, the gates at all of the terminals in Oakland were automated without the elimination of any Clerk positions thus increasing productivity and the entire fleet of rubber tired gantry cranes at OICT was hybridized by introducing technology to reduce 98% of Diesel PM emissions without impacting any longshore jobs and also marginally improving efficiency.

Between these two approaches, terminals in Oakland have seen and embraced suites of technology initiatives which increase efficiency and reduce emissions, but which do not fundamentally reorganize their relationship with their longshore labor force. This has resulted in a partnership that yields many of the most productive terminals in the United States (see Staff Report pg. 27). We expect this to continue.

Consistently, have not seen any indication of the introduction of another massive densified and automated terminal like that in Long Beach in Oakland. None has been proposed, none has been planned, and none has been discussed.

It is worth noting that the latest introduction of new terminal technology at the Port of Los Angeles was also a departure from the Middle Harbor model and more consistent with a lower capital intensity model. This is significant to this discussion because this hybrid and potentially zero-emission upgradable technology installed at the APMT terminal is actually built for a wheeled operation and therefore it is an efficiency-enhancement and emissions-reduction technology that actually requires more acreage per container than a conventional stacked terminal operation.

In other words, by taking a dramatically different tact than the Port of Long Beach, the Port of LA is introducing higher terminal productivity through new green technology which is actually demanding MORE acreage, not less, but with much less capital costs and intensity and less disruption to the labor force than at Middle Harbor. These are distinct trade-offs and in order to avoid the foreclosure of certain future investments and the potential for the introduction of new technologies that may result in higher acreage requirements, the SPAC and BCDC should embrace the need for acreage flexibility.

Finally, one additional policy reason to adopt a more conservative approach to the rate of technology-based efficiency improvement at California's container terminals, is the now oft-implemented restrictions on the use of public monies for any automated terminal operations from most of the existing, permanent funding sources for these projects. These restrictions (adopted over the opposition of PMSA) are now present in the permanent programming language for freight funding in the state gas tax, appropriations out of the state's Greenhouse Gas Reduction Fund program, and in the current Fiscal Year 21-22 Budget for zero-emissions technology program funding.²

As a result, for right or wrong, California marine terminals are prohibited from, and have no functional way to access, these incentive funding sources for new technology which might provide the capital for projects like that at Middle Harbor in Long Beach. And given that no

² Budget implementation language from 2021 Budget implementation language (SB 129):

SEC. 116.

3900-101-0001—For support of State Air Resources Board

.....

1,063,000,000

... Any funds available for projects for ships at berth shall not be allocated for the purchase of fully automated cargo handling equipment. For the purposes of this provision, "fully automated" means equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control. ...

plans are on the books or proposed for the terminals where leases would first become available at Oakland in the short-term to install or redevelop these types of terminals, the efficiency improvements associated with heavy and intense capital improvements are likely a very, very long way off.

These factors lean towards a maintenance of conventional operations and a slower pace of technologies, which is a characteristic of marginal improvements in efficiency over time rather than dramatic improvements in efficiency.

Conclusion

The Oakland A's have a burden of demonstrating that their proposal in Bay Plan Amendment 2-19 is justified, meaning that it is consistent with the goals of the Seaport Plan, and will not result in pressure to fill the Bay in the future to accommodate future Port acreage needs. The Oakland A's have not met this burden.

The Port of Oakland cannot step into the shoes of the Oakland A's to carry the burden of the Applicant. The Port's positions on the potential Oakland A's Stadium, as are everyone else's opinions about the Stadium, are irrelevant to the evaluation of whether or not the land at Howard Terminal should remain as a Port Priority Use. The Port's initial evaluations of Howard Terminal demonstrated current and future needs, and its current commercial situation and the supply chain crisis militate towards flexibility and the need to maintain options – not to delete the port priority use.

The Bay Plan policies in the Seaport Plan require that any removal of property be consistent with a series of goals, including preservation of business and economic impact, environmental quality, and facilities which support the success of waterfront terminals. Howard Terminal supports each of these goals.

PMSA respectfully requests that the SPAC recommend denial of Bay Plan Amendment 2-19.

Sincerely,



Mike Jacob
Vice President & General Counsel

From:

Lacey Dembroke Truckee, CA	Alex Danoff Oakland, California	Jennifer Nelson Oakland, CA
Wesley Davis Born and Raised in Oakland, CA	Patrick Hope Alameda	Will Matthews Oakland, Calif.
Andrew Tucker Anaheim, CA Go A's!	Andrew Tucker Anaheim, CA Let's Go Oakland!	Michael Carrillo Richmond, California
Monica Walsh San Francisco, CA	Amanda Descagnia Petaluma, CA	Rhonda Coady
Edith Bretado Oakland, CA	Rosendo García Pulido Fremont, Ca	Tia Barnard West Oakland Oakland, CA
Jessica Cruz Hayward, CA	Zander Brandt Oakland, California	Steven Garcia Sacramento, Ca

Sent: Friday, March 11-15, 2022**To:** BCDC PublicComment**Subject:** Please Support the A's Howard Terminal Project

Dear BCDC Commissioners and Seaport Planning Advisory Committee,

I'm writing to you today to state my support for removing port priority use from the Howard Terminal site for the purpose of allowing construction of the Waterfront Ballpark Project and the many benefits it would bring to move forward.

At present Howard Terminal serves as a parking lot for trucks to idle and as a haven for known polluters who run facilities on and near the site. It can hardly be said that the pollution caused by the current use of the site is in the best interests of Oakland, Alameda County/East Bay region. Moreover, the public is denied access to the waterfront at Howard Terminal under its present configuration next to Jack London Square. The idea of having companies like Schnitzer Steel even considering expanding its operations on Howard Terminal next to a public area like Jack London Square is absolutely absurd and it would be a shameful message that the Bay Commission would rather prioritize the companies that poison the air and water over the health and well being of the community and human life. Environmental justice can be served if polluters are no longer given priority designation for land that should be enjoyed by the public, and the A's Howard Terminal project would allow the public to access the waterfront in a prime location in Oakland year round. Opponents of this project have raised concerns about the loss of jobs and the negative impact on the Port of Oakland. Insofar as negative effects on the operations of the Port of Oakland are concerned, it is significant that the Port of Oakland itself supports this project. Such support would suggest that they do not feel that development at Howard Terminal will cause a negative impact on the Port's business. The Port has stated that regional cargo needs could be met in the future without reliance on Howard Terminal. In addition, there is no tangible evidence that maritime job loss will occur if Howard Terminal is developed, as the larger Port would be untouched. On the other hand,

many union jobs working at the stadium, as well as associated construction and support jobs, would certainly be lost if the A's were to relocate and build in another city such as Las Vegas or Portland.

The A's have generated a historic Environmental Impact Report, one of the largest and most comprehensive in California history, regarding the Howard Terminal Project. Tax revenue generated from the proposed development will further bolster the local economy and allow for much needed infrastructure improvements in Oakland and the East Bay. There is also a requirement for robust community benefits as part of the project's approval path. It is because of all of these reasons we are asking you to please stand up to egregious polluters and join the Port of Oakland in supporting this once in a generation project at Howard Terminal.

Thank you for your time and consideration.

Sent: Friday, March 11-15, 2022

Members of the BCDC Seaport Planning Advisory Committee:

I am writing you today to oppose Amendment 2-19, and ask that the SPAC support the BCDC staff recommendation to keep the Seaport Priority Use designation for Howard Terminal.

As you know, the SPAC has voted to utilize the independent, BCDC-commissioned, and peer-reviewed cargo forecast by the Tioga Group as the basis for determining the future needs for preservation of seaport lands in the Bay. This SPAC-approved study clearly shows that under nearly every future scenario, with the notable exception of extremely low growth, Howard Terminal was needed to meet our future cargo capacity. The Tioga report also found that Howard Terminal was the only available space which could readily accommodate all three types of potential future cargo needs.

The Port of Oakland is not suffering from low growth—in 2021 it set an all-time high record for cargo imports, as did nearly every other major container port in North America. By all indications, the Port is in the strong growth scenario, and Howard Terminal is more essential than ever. Howard Terminal itself actively serves as a lay-berth for vessels, and a critical staging area for nearly 400,000 truck and container moves per year, in addition to offering additional container and intermodal equipment storage.

The State of California's and Port of Oakland's own research shows that we are suffering from a truck parking shortage statewide, and specifically in the urbanized Bay Area, that there is no equivalent acreage available to offset the usage of Howard Terminal at this time.

In addition, Howard Terminal was also recently identified as the site of a partnership between the Port of Oakland and the U.S. Department of Agriculture (USDA) to ease congested ports and supply chain issues through a 25-acre pop-up site dedicated to filling empty shipping containers with commodities like soybeans, dairy, nuts, fruit, and more. This initiative further demonstrates Howard Terminal's crucial role in ensuring the Port of Oakland's long-term success and viability, and its capacity to continue operating as a key gear in the movement of agricultural goods throughout Northern California.

We are now in a period where the supply chain is heavily congested, and every other port in the country is looking to grow, adapt, and maximize land available for key maritime and support functions. BCDC should be looking at ways to increase port land to support maritime operations—not remove it. The Port of Oakland serves as the home for tens of thousands of good, skilled, living-wage jobs, and is the hub of our regional economy. If Howard Terminal is removed from port priority use it could harm the competitiveness of the port and result in the loss of millions in revenue and thousands of good paying jobs.

I support the recommendation of the BCDC staff and consultants who agree that Howard Terminal should not be removed from port priority use.

Thank you for your time and consideration.

Sent from:

Matt Schrap	Larry Jabin	Janet Esteves
Mercedes S. Rodriguez	Robin Jabin	Linda Lyon
Marc Jensen	Lynne Streeter	Carlos Massey
Elizabeth Wharton	Peter Bellingall	David Lyon
Emily Morgan	David Simmons	Molly Brownson
Charles Kendall	Stas Margaronis	Ernie Stock
Charles Settles li	Tim Hester	Rowan Altheimer

Susan Ransom	Phyllis Luckman	Rashid Patch
Deirdre Snyder	Anola Small	Emily Wheeler
Melvin Mackay	Margie Lewis	Melody Davis
Helen Duffy	Dion Good	John Mortensen
Brett Link	Phillip Mixon	Susan Boggiano
Jody Gibson	Erica Johnson	Sheryl Walton
James E Vann	Susan Terry	Dan Mckisson
Dan Mckisson	Nancy Nadel	Arthur Allen
Sara Theiss	Carol Drake	David Gassman
Naomi Schiff	Linda Roberts	Sanjeev Kumar
Cheryl Sudduth	Bill Delucchi	Phyllis White-Ayanruoh
Chia Hamilton	Joan Peters	Sandra Johnson
Matthew Mayes	Ann Berlak	Brenda Nelson
Marjorie Ford	Jan Van Dusen	Coron Duong
Barbara Hutchins	Jennifer Dixon	Daphne Lamb
Allene Warren	Lawrence Thibeaux	Laurie Umeh
Robert Irminger	Nancy Sidebotham	Rashidah Grinage
Beth Weinberger	Joaninha Joaninha	Sharyl Larson
Dorothy Seeger	Michael Norton	David Vartanoff
Vicki Van Steenberg	Steve Zolno	Elizabeth Smith
Eliza Greene	Kay S Greisen	Dennis Jordan
Musia Stagg	Annette Thompson	David Kessler
Dorrie Slutsker	Louise Garbarino	Viola Slocum
Karen Harris	David Coleman	Cordelynn Baumeister
Jasmine Gonzalez	Michael Ferraro	Pamela Baker
Ken Sutherland	Brigitta Melendy	Tami Bobb
Cynthia Billings-Roan	Iris Merriouns	Wakean Maclean
Coleman Rosenberg	John Holme	Linda B Smith
Gary Patton	Irv Staats	Michele Wolf
Steve Ongerth	Clarence Thomas	Gary Sirbu
Michael Rubin	Julia A. Lockert Baker	Judy Heydrick
Stan Heydrick	Mary Folchi	Curtis Gomez
Annalee Cobbett	Carolyn Burgess	Claire Gravier

From: Jesse Pollak

Sent: Friday, March 11, 2022 9:40 AM

To: Pat Showalter; BCDC PublicComment

Subject: Public Comment in Support of the A's Howard Terminal Project

Dear BCDC Commissioners and Seaport Planning Advisory Committee,

My name is Jesse Pollak and I've been a West Oakland resident since 2015. I'm writing to you today to state my support for removing port priority use from the Howard Terminal site for the purpose of allowing construction of the Waterfront Ballpark Project and the many benefits it would bring to move forward.

In particular, I believe that the Howard Terminal project will:

- Reduce pollution in the neighborhood, which has one of the highest rates of pollution in the state
- Increase access to public parks by building 18 acres of new green space on the waterfront
- Help connect our communities into the rest of Oakland by building pedestrian and bike infrastructure
- Create market rate and affordable housing, both of which are deeply needed by our community
- Expose millions more people to the greatness and beauty of our Bay (which is why we're here in the first place!) by creating an incredible bay-front space

Thank you for your time and consideration,

Jesse Pollak

Oakland, CA

From: Sierra Thai-Binh

Sent: Friday, March 11, 2022 12:22 PM

To: BCDC PublicComment

Subject: Support for approval of new stadium for Oakland A's

Please support the decision to move forward with building a new stadium and mixed-use facilities so that we can keep our beloved baseball team in Oakland. I was born and raised in Oakland and have been an A's fan since before I could walk. Keeping our team here and developing a new stadium, new housing, and other facilities will benefit our Oakland communities for generations to come.

Sincerely,

Sierra Thai-Binh
Oakland Educator

From: Dhiraj Madahar

Sent: Friday, March 11, 2022 12:54 PM

To: BCDC PublicComment

Subject: March 16th Seaport Planning Advisory Committee meeting for Howard Terminal

Hello BCDC Commissioners & Seaport Planning Advisory Committee,

I am writing to ask you to please support Bay Plan Amendment 2-19 which will remove the Port Priority designation from Howard Terminal and allow for a more beneficial use to be made of the property. This is an important issue to many, and there are several reasons why I support this opportunity to clean up a toxic and underutilized site for the greater good.

First, waterfront access for the East Bay's population has been limited for many years. As it will provide public access and open space to a population which is deserving of this benefit, Howard Terminal represents an opportunity which at the very least warrants further discussion.

Also, Seaport Compatibility is an important condition that has routinely been mentioned as part of the local government's approval process. Because of this, the project can move forward only if proper Seaport Compatibility measures are agreed to by the A's and other stakeholders. Beware that misinformation may lead one to believe that the project can move forward without reasonable and necessary steps taken to protect the Port's operations. This is simply false. Community Benefits are also required for the project's approval.

Lastly, in the event that a binding deal to construct the project has not occurred by January 1, 2025, the removal of Port Priority designation will be reversed as per the Amendment. This will ensure that the designation does not get permanently removed unless the project itself moves forward. BCDC also needs to approve the permits for the project, so further reviews will still be available down the road.

For these reasons, along with information shared by the Port with regards to growth scenarios, I would ask you to respectfully allow this project to advance further by removing Port Priority designation from the site.

If this project was not required to deliver adequate seaport compatibility measures along with robust community benefits for the City, County, and Region, then I would reconsider my support even as an A's fan. But after following the project closely and seeing the requirements imposed by government agencies as a condition of approval, I do feel that several measures are in place to ensure the project will have to meet these requirements.

Thank you,
Dee M.

From: shawn dillon

Sent: Friday, March 11, 2022 2:23 PM

To: BCDC PublicComment

Subject: Please vote yes to recommend removing Howard Terminal from Seaport Priority Use

Good afternoon,

I'm writing to voice my support for removing Howard Terminal from Seaport Priority Use, to allow the construction of the Oakland A's new ballpark at the site. This site has long been used as an overflow parking lot, and that is not the best use for waterfront property steps away from Jack London Square and a short walk from Downtown Oakland. A ballpark at Howard Terminal will bring much more tax revenue to the city than the lot currently provides, and give new generations of Oakland residents a home to root for the A's for years to come.

Thanks,

Shawn Dillon

From: matt himelstein

Sent: Friday, March 11, 2022 3:40 PM

To: BCDC PublicComment

Subject: Howard Terminal

Really would like the Howard Terminal ballpark project to move forward. It would create an iconic area of the city that would last forever, and keep the A's in Oakland.

From: Melody Davis
Sent: Friday, March 11, 2022 3:58 PM
To: BCDC PublicComment
Subject: HOWARD TERMINAL

I oppose of JOHN FISHER LAND GRAB that consists of LUXURY REAL ESTATE, OFFICE COMMERCIAL BUILDING, ENTERTAINMENT, and RETAIL COMPLEX. Everything that he can do at the COLISEUM SITE that consists of 155 acres of land with INFRASCUTURE already there, where the TAXPAPERS of OAKLAND do not have to PAY OVER \$800 MILLION of TAXPAPERS MONEY on their PROPERTY. The Tioga Report is saying there going to be strong growth at the PORT. Why put all of JOHN FISHER wishes on a GROWING< WORKING and 24/7 PORT, with trucks and trains. That is very insane and ludicrous and selfish. This is not an area for groups of people should be gathering it is not for public safety. He does not want to do a COMMUNITY BENEFITS AGREEMENT or build LOW HOUSING. WHEN housing is a HUMAN RIGHT> PUBLIC LAND IS FOR PUBLIC BENEFIT. My fear is that someone is going to get hurt or killed over there with TRAINS moving at all times. HE does not have a TRANSPORTATION PLAN. HE needs to go back to EAST OAKLAND where he has purchased the STADIUM there.

From: NICHOLAS RESSETAR
Sent: Friday, March 11, 2022 6:56 PM
To: BCDC PublicComment
Subject: Vote for baseball!

Sent from my iPhone

From: AYA MATT

Sent: Saturday, March 12, 2022 8:54 AM

To: Pat Showalter; BCDC PublicComment

Subject: Please Support the Ballpark Project at HT

Dear BCDC Commissioners and Seaport Staff,

I am Matthew and I have grown up in the Bay Area all of my life and during that time, I have hardly visited West Oakland due the rampant pollution by Schnitzer Steel and lack of entertainment in the area. This ballpark project would make the area a great destination for all people of the Bay Area and visitors from all parts of the country. It would bring thousands of new PERMANENT jobs to the area and billions of dollars in much needed revenue for small businesses and the port over its term. Just as important, this project had the most extensive EIR certified to correct all environmental hazards documented. This project will be a NET zero emissions facility. This ballpark would revolutionize all projects that come after it to do the same. Additionally, the A's have allowed a zone to be utilized for shipping at their site if it is desired, so all parties can be happy. Right now, only parked trucks and containers are on the site. It is not being used at all. The port is plenty big to support future requirements for shipping that don't involve the HT site. Let's make this project a win-win for all and allow the ballpark project at HT to proceed. Thank you for your hard work and time.

Very Respectfully,
Matthew Choi

Concord, California

From: Laurie Umeh
Sent: Sunday, March 13, 2022 9:05 AM
To: BCDC PublicComment
Subject: "No" to A's stadium at the Port of Oakland

I am a long time resident of Oakland. I do not want Port of Oakland operations to be hampered by a Major League Baseball stadium at the Port.

Trucks need easy access to the Port. Game days will result in autos competing with trucks for access to the Howard Terminal area.

The railroad runs near the Port. This raises safety concerns.

The Port of Oakland is essential to the City of Oakland's economy.

The Port employs many workers who have well-paying union jobs. I don't want these workers to lose their jobs.

I don't want Oakland to lose its port like the City of San Francisco lost its port.

Thank you for your consideration of these comments.

Laurie Umeh
Oakland

From: Kym Johnson

Sent: Monday, March 14, 2022 4:03 PM

To: BCDC PublicComment

Subject: Keep the A's in Oakland

As a 50+ year resident of Oakland and fan of the A's, I am asking that you please remove the port and marine terminal designation from Howard Terminal to allow a baseball park and other developments to be constructed. Thank you.

Kym Johnson

--

Kym Johnson

From: Jim Bautista

Sent: Monday, March 14, 2022 6:06 PM

To: BCDC PublicComment

Subject: March 16th Seaport Planning Advisory Committee Vote

Hello,

I would like to show my support for a new Ballpark at Howard Terminal! I started going to A's games in the early 70's with my family and was lucky enough to see the A's win three World Series in the 70's and in 1989! I started bringing my family to games in 2000 and we have not stopped. If this is not passed, my family will not have the opportunity to bring their family to games or any chance of seeing a World Series here in Oakland. This is very important for our community and will build a strong job market in Oakland.

Please remove the port and marine terminal designations from Howard Terminal to allow the building of a new stadium and mixed-use development

Thank You!

Jim Bautista

From: Jo Anne Savage
Sent: Monday, March 14, 2022 6:59 PM
To: Pat Showalter; BCDC PublicComment
Subject: Howard Terminal Ballpark Project

Dear BCDC Commissioners and Seaport Planning Advisory Committee,

My name is Jo Anne Savage and I'm writing to you today to state my support for removing port priority use from the Howard Terminal site for the purpose of allowing construction of the Waterfront Ballpark.

The A's have generated a historic Environmental Impact Report, one of the largest and most comprehensive in California history, regarding the Howard Terminal Project. Tax revenue generated from the proposed development will bolster the local economy and allow for much needed infrastructure improvements in Oakland and the East Bay. There is also a requirement for community benefits as part of the project's approval path.

At present Howard Terminal serves as a parking lot for trucks to idle and is home to polluters who run facilities on and near the site. It can hardly be said that the pollution caused by the current use of the site is in the best interests of Oakland, Alameda County/East Bay region. Moreover, the public is denied access to the waterfront at Howard Terminal under its present configuration next to Jack London Square.

The A's Howard Terminal project would allow the public to access the waterfront in a prime location in Oakland year round. Opponents of this project have raised concerns about the loss of jobs and the negative impact on the Port of Oakland. It is significant that the Port of Oakland itself supports this project. Such support would suggest that they do not feel that development at Howard Terminal will cause a negative impact on the Port's business. The Port has stated that regional cargo needs could be met in the future without reliance on Howard Terminal. In addition, there is no tangible evidence that maritime job loss will occur if Howard Terminal is developed, as the larger Port would be untouched.

On the other hand, without the project, many union jobs at the current stadium, as well as associated construction and support jobs, would certainly be lost if the A's were to relocate and build in another city such as Las Vegas or Portland.

Thank you for your time and consideration,

Jo Anne Savage
Livermore, CA

From: Lance Stapleton
Sent: Monday, March 14, 2022 7:38 PM
To: Pat Showalter
Cc: BCDC PublicComment
Subject: Support HT Ballpark Community!

Hello BCDC Commissioners,

I am an Oakland resident, taxpayer, and ardent Oakland A's fan. I am writing you to request that you remove port priority of the Howard Terminal site, thus enabling the City and the A's to clear another vital hurdle to realize a vibrant waterfront ballpark community for Oakland.

While many concerns still need to be addressed, your decision will mark another milestone achieved as we try to retain a sports identity while also remaking an area of the City long needing an overhaul. The waterfront community will attract business, long-term tax dollars, tourism, and serve as a jewel for the City to be proud of. Consider the booming Mission Bay area since the Giants built their ballpark and ancillary development soon followed suit. Oakland needs a similar catalyst and this plan could undoubtedly jumpstart its economy even further.

Thank you for your time in reading my message. I look forward to following along with the meeting this Wednesday. Let's go, BCDC. Let's go, A's. And most importantly, let's go, Oakland!

Cheers,
Lance Stapleton

From: Carol Lu Danoff
Sent: Monday, March 14, 2022 9:28 PM
To: BCDC PublicComment
Subject: Please support the Howard Terminal stadium project

Dear BCDC Commissioners and Seaport Planning Advisory Committee,

My name is Carol Danoff and I'm asking you to express support for removing port priority use from the Howard Terminal site. The current state of Howard Terminal does not serve the environment.

- Idling trucks from nearby buildings pollute Oakland, Alameda County/East Bay region.
- Expansions of Schnitzer Steel would increase air and water pollution.

I am in favor of the proposed Waterfront Ballpark Project at Howard Terminal, which would yield actual and relative environmental benefits and give the public access to the waterfront, the way Jack London Square has enhanced East Bay citizens' lives.

- In fact, The A's have generated a historic Environmental Impact Report, one of the largest and most comprehensive in California history, regarding the Howard Terminal Project.
- Boosts to the local economy include infrastructure improvement tax revenue

Here is where your support is needed. The Port has stated that regional cargo needs could be met in the future without reliance on Howard Terminal because even if Howard Terminal is developed, arger Port would be untouched and would not affect maritime jobs. However, if the A's leave Oakland due to lack of support for the Howard Terminal development, many jobs would be lost at the stadium, including unionized jobs. Potential Construction-related jobs would be an opportunity cost.

Please stand up to egregious polluters and join the Port of Oakland in supporting this once in a generation project at Howard Terminal.

Thank you for your time.

Carol Danoff

Oakland, California

From: Will Stein
Sent: Tuesday, March 15, 2022 10:34 AM
To: BCDC PublicComment
Subject: Supporting the Howard Terminal Ballpark Project

Hi BCDC Commissioners and Seaport Planning Advisory Committee,

I am a lifelong East Bay Area resident, and I would like to voice my enthusiastic and unwavering support for removing port priority from the Howard terminal site so that a waterfront stadium and the many benefits it will bring can be constructed in Oakland.

Currently the Howard Terminal site serves largely as a parking lot, and as a haven for polluters who operate on and around the site. This pollution caused by the current use of the site is certainly not in the best interests of the residents of Oakland, Alameda County, and the larger East Bay Area. The idea of having companies like Schnitzer Steel even considering expanding its operations on Howard Terminal next to a public area like Jack London Square is absolutely absurd and it would be a shameful message that the Bay Commission would rather prioritize the companies that poison the air and water over the health and well being of the community and human life. Environmental justice can be served if polluters are no longer given priority designation for land that should be enjoyed by the public, and the A's Howard Terminal project would allow the public to access the waterfront in a prime location in Oakland year round.

Opponents of this project have raised concerns about the loss of jobs and the negative impact on the Port of Oakland. Insofar as negative effects on the operations of the Port of Oakland are concerned, it is significant that the Port of Oakland itself supports this project. Such support would suggest that they do not feel that development at Howard Terminal will cause a negative impact on the Port's business. The Port has stated that regional cargo needs could be met in the future without reliance on Howard Terminal. In addition, there is no tangible evidence that maritime job loss will occur if Howard Terminal is developed, as the larger Port would be untouched. On the other hand, many union jobs working at the stadium, as well as associated construction and support jobs, would certainly be lost if the A's were to relocate and build in another city such as Las Vegas or Portland.

The A's have generated a historic Environmental Impact Report, one of the largest and most comprehensive in California history, regarding the Howard Terminal Project. Tax revenue generated from the proposed development will further bolster the local economy and allow for much needed infrastructure improvements in Oakland and the East Bay. There is also a requirement for robust community benefits as part of the project's approval path. It is because of all of these reasons we are asking you to please stand up to egregious polluters and join the Port of Oakland in supporting this once in a generation project at Howard Terminal.

Lastly, I would hope that David Lewis, who sits on the advisory committee, recuses himself during this week's vote, and during any and all future votes regarding Howard Terminal. He has a track record of writing anti-Howard Terminal development articles, while also being publicly supportive of the San Francisco Giant's waterfront Mission Rock Development. He has also written that the Oakland A's should not seek special procedural legislation for their waterfront ballpark plan, but was still supportive of the Mission rock development, which had special procedural legislation passed to exempt the Mission rock development from BCDC rules. I do not claim to know exactly why David Lewis would Mr. Lewis would support the Giant's waterfront development, while being an outspoken critic of the A's proposed development, but I do find it worrying that the SF Giants happen to be a sponsor of Save the Bay, where

Mr. Lewis is an executive director. To prevent any suspicion of a conflict of interest, David Lewis must Recuse himself from this upcoming vote.

This project is bigger than baseball, and petty rivalries between fandoms. This is sincerely one of the best opportunities that Oakland, Alameda County, and the East Bay region has come upon in a long time. We have never seen any proposed stadium plan with this much support from governing bodies, at no expense to the taxpayer. Please do not be the reason it slips through our fingers. I hope that Commissioner Showalter will support removing port priority from Howard Terminal so that future generations may benefit from this excellent development proposal.

Thank you very much for your time and consideration,

--

Will Stein

From: Zachary Walton

Sent: Tuesday, March 15, 2022 11:59 AM

To: BCDC PublicComment

Subject: Howard Terminal - Support removal of port priority use

Dear Commissioners -

The Howard Terminal ballpark will increase public access to the water front, cleanup historical contamination that presents a current threat to water quality, and bring countless benefits to the community, all of which outweigh by a wide margin whatever negligible benefits the current use of the property as a parking lot may present. The Port has said they don't need the land, the argument the project will cause maritime jobs to be lost is speculative, and it is anathema to preserve space for heavy polluters like Schnitzer Steel to expand.

Zachary Walton

SSL Law Firm